



State of Connecticut
DIVISION OF CRIMINAL JUSTICE

Testimony of the Division of Criminal Justice

S.B. No. 423 (RAISED) An Act Concerning Recommendations of the Connecticut Town Clerks Concerning Disclosure and Elections Laws

Joint Committee on Government Administration and Elections
March 12, 2010

The Division of Criminal Justice would respectfully request the Committee take no action on Section 1 of S.B. No. 423, *An Act Concerning Recommendations of the Connecticut Town Clerks Concerning Disclosure and Elections Laws*. The Division takes no position on the remaining sections of the bill.

Section 1 of the bill threatens to undermine the provisions of Section 1-217 of the General Statutes that protect certain public employees and officials, including those in law enforcement and the judiciary, from disclosure of their home addresses via the Freedom of Information Act. There are documented cases of harassment and threat levied against judges, prosecutors, corrections officers and others and their families by those who disagreed with the actions these government employees had taken in their official capacity. The exceptions provided in C.G.S. Section 1-217 recognize the need to prevent criminal defendants, former inmates or patients from utilizing the Freedom of Information Act to find out where these officials live so that they can carry out threats, intimidation, harassment or violence.

Section 1 of the bill is also premature in that its subject matter is the topic of at least five cases now before the courts. (See *Connecticut Department of Public Safety et. al. v. Freedom of Information Commission et. al.*, CV-09-4019848-S; *Connecticut Department of Children and Families v. Freedom of Information Commission et. al.*, CV-09-4019848-S; *State of Connecticut Judicial Branch v. Freedom of Information Commission et. al.*, CV-09-4020001-S; *Town of North Stonington et. al. v. Freedom of Information Commission et. al.*, CV-094020018-S; and *AFSCME Council 4 v. Freedom of Information Commission et. al.*, CV-09-4020033-S). These cases are now awaiting review by the Appellate and/or Supreme Court.

For these reasons, the Division would respectfully recommend that the Committee delete section 1 of S.B. No. 423 in its entirety. Thank you.

Respectfully submitted,

Kevin T. Kane
Chief State's Attorney